

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

§

vs.

§

GEORGE DAVID SALUM III

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CASE NO. 2:05CR137-F

GOVERNMENT'S VOIR DIRE QUESTIONS

COMES NOW the United States of America, by and through the United States Attorney for the Northern District of Florida and the undersigned Assistant United States Attorney, and moves this Court to propound or to permit the undersigned Assistant United States Attorney to propound the following questions to the proposed jurors on voir dire.

(1)

Please identify yourself by name, residence, occupation [or former occupation if retired or unemployed], and spouse's occupation [if applicable].

(2)

Are any of you related to or personally acquainted with the defendant, GEORGE DAVID SALUM, III, a resident of Montgomery, Alabama, or with any member of his family?

If you do know Defendant SALUM or a member of his family, please state your name and who you know.

(3)

The indictment in this case is alleged in two Counts. Count 1 charges that Defendant SALUM, aided and abetted by others not named in the indictment, did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice in a federal criminal case captioned *United States v. Leon Carmichael and Freddie Williams*. The indictment alleges that the defendant did so by providing the Montgomery Police Department personnel file and photograph of government witness David DeJohn, as well as computer database criminal histories of prospective government witnesses, to Johnny G. White, Jr., a private investigator working for Leon Carmichael, knowing that White intended to provide that material to Carmichael and/or his lawyer for use in attempting to impeach or discredit DeJohn and to intimate DeJohn and other prospective government witnesses. Count 2 charges that Defendant SALUM, aided and abetted by others not named in the indictment, intentionally and unlawfully accessed the National Crime Information Center (NCIC) computer database, and thereby obtained information from a department and agency of the United States, for the purpose of financial gain and in furtherance of criminal and tortious acts in violation of both federal and State of Alabama law.

Do any of you have knowledge of the facts surrounding this indictment from any source, such as the news media, or from having heard the facts discussed by others?

Do any of you have knowledge of the facts surrounding the indictment and trial of Leon Carmichael and Freddie Williams from any source?

If so, please identify yourself, and without describing the particulars of what you have read, seen, or heard about these facts, identify the source of that information.

Has that knowledge caused you to form an opinion as to the guilt or innocence of the defendant, GEORGE DAVID SALUM III?

(4)

Do any of you know the defense attorneys, Julian L. McPhillips, Jr. or Alice Highley, both of whom maintain a law practice in Montgomery, Alabama, in any manner, through personal or casual acquaintance, or through a business or professional relationship, past or present?

If you do know either defense attorney, please state your name and the nature of your association.

(5)

Have any of you ever consulted with or been represented by Assistant United States Attorney Dixie A. Morrow, who is assigned to the Office of the United States Attorney in Pensacola, Florida, or know her personally?

If you do know Ms. Morrow, please state your name and the nature of your association.

(6)

Are any of you related to or personally acquainted with the following individuals expected to be called as witnesses in this case? **[Counsel for each party will announce the names of the witnesses expected to be called at trial.]**

If so, please identify the witness or witnesses whom you know, and explain the nature of your association.

(7)

Are you related to any other member of the jury panel, by blood or marriage?

If so, please identify the prospective juror(s) to whom you are related and how.

(8)

Do you work in the same place as any other panel member?

If so, please identify yourself and the prospective juror(s) with whom you work.

Is there any supervisor/subordinate relationship between you?

(9)

Who among you are or were a law enforcement officer, or have family or close friends who are law enforcement officers?

Please identify the officer and the nature of his/her employment.

(10)

Who among you have received any education or training in the law or law enforcement?

Please identify yourself and the nature of your study.

(11)

Who among you have had any contact with the Montgomery Police Department?

Has that experience caused you to form a negative impression of law enforcement officers, generally?

(12)

This case was investigated by the Alabama Bureau of Investigation, the Federal Bureau of

Investigation, and the United States Drug Enforcement Administration. Have you ever suffered what you would describe as a “bad” or “unpleasant” experience with these or other law enforcement agencies?

Has that experience caused you to form a negative impression of law enforcement officers, generally?

(13)

You will learn that the defendant was an officer with the Montgomery Police Department at the time of the alleged crimes. If convinced of the defendant’s guilt by proof beyond a reasonable doubt, would any of you be inclined not to return guilty verdicts based upon the defendant’s status as a policeman?

(14)

Do any of you disagree with the requirement that State and federal law enforcement officers must protect the privacy rights of citizens?

If so, would your opinion affect your ability to fairly and impartially try this case?

(15)

In that regard, the Judge will define the law which you must apply when examining the facts in this case. You may disagree with that law, and think that the defendant’s conduct should not be prohibited. Are there any of you who believe you could not follow the law, if you personally disagreed with the law in some way?

Can each of you follow the Court’s instructions on the law?

(16)

Have any of you or your immediate family or close circle of friends ever been arrested for a violation of State or Federal law?

[Individual voir dire recommended.]

(17)

Have any of you or your immediate family or close circle of friends ever been a defendant in a State or Federal criminal case?

If so, please state the following information about that case:

- a. The nature of the charge or charges;
- b. The court in which the charge(s) was/were tried or otherwise disposed of; and
- c. The disposition of those charges.

[Individual voir dire recommended.]

(18)

Have any of you or any of your immediate families or close circle of friends ever been the victim of a crime?

If so, who was the victim?

What was the nature of the crime?

Were you satisfied with the response of law enforcement agents, if any?

(19)

Some of you have served as jurors in the past. If so, please identify yourselves.

When and where did you hear a case as a juror?

What was the general nature of the crime or crimes which you considered?

Did you reach a verdict?

(20)

As part of the Government's proof, you will hear testimony from Johnny G. White, Jr.

The evidence may cause you to believe that Mr. White and others not named in the indictment also engaged in criminal conduct. Do you understand that your role as jurors in this case is to determine the guilt or innocence of Defendant SALUM, and no one else?

Do you understand that it is your responsibility to determine the facts concerning Defendant SALUM independent of what may happen to Mr. White or any other person?

(21)

As a juror, you would be required to sit in judgment of the actions of Defendant SALUM.

Is there any member of the jury panel who, as a matter of conscience or for any other reason (such as religious belief or personal philosophy), believes that (s)he cannot do this?

(22)

The United States of America and Defendant SALUM are both parties to this proceeding, and both are entitled to fair and impartial verdicts based upon the evidence and the law presented to you. Does any member of the panel believe that (s)he cannot return a verdict which is based only upon the evidence presented and the law which is given to you by the Judge?

RESPECTFULLY SUBMITTED this 31st day of October, 2005.

GREGORY R. MILLER
United States Attorney

/s/Dixie A. Morrow
DIXIE A. MORROW
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CERTIFICATE OF SERVICE

____ I hereby certify that I have this date served a copy of the foregoing GOVERNMENT'S VOIR DIRE upon the defendant by electronic filing with and noticing by the Clerk of Court, and by mailing an additional courtesy copy of same to the defendant's counsel of record: Julian L. McPhillips, Jr., McPHILLIPS SHINBAUM LLP, Post Office Box 64, Montgomery, Alabama 36101.

THIS 31st day of October, 2005.

/s/Dixie A. Morrow
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